

CHRONOLOGY OF EVENTS

Budget Trade & Gas

- May 17, 1999 - San Diego County Department of Environmental Health (DEH) requested assistance with gaining compliance for Budget Trade & Gas facility.
- June 9, 1999 - San Diego Regional Water Quality Control Board (RWQCB) sent California Water Code (CWC) section 13267 letter requesting workplan by August 1, 1999 and corrective action plan (CAP) by September 1, 1999.
- Sept. 22, 1999 - RWQCB sent Notice of Violation (NOV) for failure to comply with CWC section 13267 letter and requested contact by October 1, 1999.
- October 28, 1999 - Administrative Civil Liability (ACL) Complaint No. 99-178 issued for failure to comply with CWC section 13267 letter, for \$223,000. (This was not heard before the Board within 60 days due to lack of quorum.)
- January 12, 2000 - ACL Complaint No. 2000-23 issued for failure to comply with CWC section 13267 letter, for \$35,680.
- February 9, 2000 - Board Hearing – ACL No. 2000-23 adopted with \$35,680 suspended provided that 2 conditions are met:
1. Workplan submitted by March 10, 2000
 2. Corrective Action Plan submitted by August 7, 2000
- Feb. 24-Mar.7, 2000 – Phone conversations with K.T. Mao, David Henry & Jim Leist to assure everyone knew what the content of the workplan needed to be.
- March 6, 2000 - RWQCB received faxed version of February 14, 2000 letter addressed to Mr. Hsu from David Henry about request for proposals for workplan. It only included ground water monitoring.
- March 6, 2000 - RWQCB responds to February 14, 2000 letter that a workplan with only ground water monitoring would not comply with ACL No. 2000-23.
- March 8, 2000 - Board meeting – Status report presented to the Board.
- March 10, 2000 - Workplan faxed to RWQCB.
- March 13, 2000 - Hard copy of workplan received.
- March 15, 2000 - First letter from RWQCB in response to workplan approving ground water monitoring and additional comments on remainder of workplan will follow.
- March 27, 2000 - Second letter from RWQCB in response to workplan approving delineation scheme with suggested changes.
- April 12, 2000 - Board meeting – Status report presented to the Board.
- June 14, 2000 - Executive Officer's report for June Board meeting – Status report of compliance. Although workplan was submitted, execution of workplan has not begun. Ground water monitoring not done to date either.

July 12, 2000 -	RWQCB letter to Mr. Hsu reminding him of August 7, 2000 due date for CAP. The letter also told him to refile application to State Water Resources Control Board (SWRCB) Underground Storage Tank Cleanup Fund (USTCF).
July 26, 2000 -	Ground Water Monitoring submitted.
July 27, 2000 -	SWRCB USTCF issued letter of pre-approval of corrective action costs for \$37,733, claim No. 601.
August 7, 2000 -	Due date for CAP which was not submitted.
August 9, 2000 -	Issuance of ACL No. 2000-23 which imposed civil liability of \$35,680 for failure to submit CAP by August 7, 2000 requested pursuant to CWC section 13267. Payment is due in 30 days – September 9, 2000.
August 11, 2000 -	Executive Officer's report for August Board meeting – Status report of compliance. Letter sent to Mr. Hsu informing him that ACL No. 2000-23 was issued and payment is due in 30 days (September 9, 2000).
Sept. 12, 2000 -	RWQCB letter to Mr. Hsu informing him that since civil liability assessment of \$35,680 from adopted ACL No. 2000-23 had not been paid, that RWQCB would seek judgement for amount of civil liability.
Sept. 13, 2000 -	Executive Officer's report for September Board meeting – Status report of compliance. Since this summary was prepared prior to September 9, 2000, it states that the Executive Officer would give verbal update of whether civil liability was paid in 30 days of issuance (it was not).
Sept. 29, 2000 -	ACL No. 2000-23 referred to Deputy Attorney (DA) General.
Sept. 29, 2000 -	RWQCB letter to Mr. Hsu informing him that he has responsibility to submit CAP and that civil liabilities will continue to accrue from February 10, 2000.
Oct. 11, 2000 -	Executive Officer's report for October Board meeting – Status report of compliance. Mr. Hsu was informed that ACL No. 2000-23 had been referred to the DA for judgement.
Oct. 23, 2000 -	DEH transfers case to RWQCB for oversight.
Nov. 6, 2000 -	Administrative Civil Liability Complaint No. 2000-256 issued for continued failure to submit CAP requested pursuant to CWC 13267, for \$146,500. Scheduled for special Board meeting for November 29, 2000.
Nov. 7, 2000 -	Cleanup and Abatement Order (CAO) No. 2000-255 issued. Requires free product removal monthly with report sent in the first of each month starting January 1, 2001. Quarterly ground water monitoring required with first report due January 30, 2001. Full delineation of soil and ground water contamination by March 22, 2001.
Nov. 21, 2000 -	Special Board meeting for November 29, 2000 was cancelled and ACL Complaint No. 2000-256 was placed on December 13, 2000 agenda.

Dec. 13, 2000 -	Board Meeting for adoption of ACL No. 2000-256. Board action deferred till February Board meeting pending submittal of CAP and payments on previous ACL (ACL No. 2000-23).
Dec. 20, 2000 -	SWRCB USTCF sent preapproval (for free product removal and quarterly ground water monitoring per CAO No. 2000-255) letter for \$48,523, claim No. 601, to Mr. Hsu.
Jan. 17, 2001 -	Executive Officer's Report for Board agenda – Status of compliance: Hsu's signed contract with environmental consultant, Hsu's submitted verification of tightness of UST system and functioning of monitoring probes. Hsu's did not submit free product removal by January 1, 2001 or make payment on ACL No. 2000-23.
Jan. 23, 2001 -	Meeting with Mr. Hsu and his consultant. Mr. Hsu was reminded what the Board members requested he accomplish by February Board meeting (CAP submitted, payments on ACL No. 2000-23). Due dates from CAO No. 2000-255 were discussed.
Jan. 30, 2001 -	Workplan for assessment, CAP, free product removal and ground water monitoring received
Feb. 14, 2001 -	2 nd meeting with Mr. Hsu and consultant. A Mandarin Chinese translator was hired to facilitate Mr. Hsu's understanding of meeting. We reviewed tank integrity test results, payment on ACL No. 2000-23, upcoming compliance dates for CAO No. 2000-255, and the workplan and CAP submitted by the current consultant. Mr. Hsu submitted financial documents to demonstrate that, if imposed, ACL No. 2000-256 would place a financial burden on him that could cause bankruptcy. RWQCB requested a written summary of each document. The volume of the financial documents was so large that the agenda item was pulled. The documents will be enclosed in the agenda package for the March 14, 2001 Board meeting.
Feb. 15, 2001 -	Mr. Hsu submitted \$200 payment on ACL No. 2000-23.
Mar. 6, 2001 -	Free product removal report received.
March 14, 2001 -	Board meeting. ACL No. 2000-256 continued to April Board meeting because the shipyard item took a long time.
Mar. 14, 2001 -	Unsuccessful drilling on site to delineate extent of contamination. Rescheduled to April 25-27 with larger drill rig.
Mar. 22, 2001 -	Delineation of extent of soil and ground water contamination report due.
Mar. 27, 2001 -	Mr. Hsu submitted \$150 payment on ACL No. 2000-23.
April 3, 2001 -	Free product removal report received.
April 11, 2001 -	Board meeting. Staff presentation was that Mr. Hsu was in compliance with CAO No. 2000-255, had submitted a CAP, had made 2 payments on ACL No. 2000-23 and intended to make monthly payments. Staff recommended a continuation of this item to the October Board meeting to better access Mr. Hsu's compliance with CAO No. 2000-255 and his intention to make

	payments on ACL No. 2000-23. After discussion the Board members agree with this approach.
May 10, 2001 -	Free product removal report received.
June 13, 2001 -	Free product removal report received.
June 22, 2001 -	Notice of Eligibility for the Underground Storage Tank Cleanup Fund
June 27, 2001 -	3rd meeting with Mr. Hsu and consultant. A Mandarin Chinese translator was hired to facilitate Mr. Hsu's understanding of meeting. We reviewed compliance deadlines in CAO No. 2000-255, payments on ACL Order No. 2000-23, and a submittal of a written summary explaining the significance of Mr. Hsu's financial documents.
July 10, 2001 -	Free product removal report received.
July 19, 2001 -	Addendum No. 2 to CAO No. 2000-255 which changed the reporting of free product removal to quarterly.
July 15, 2001 -	Mr. Hsu submitted \$300 payment (\$60 per month for March-July 2001) on ACL No. 2000-23.
July 31, 2001 -	2 nd quarter 2001 Ground Water Monitoring Report received.
August 1, 2001 -	Site Assessment Report Received
August 1, 2001 -	Letter of Commitment to Mr. & Mrs. Hsu from USTCF (not to exceed \$50,000).
August 2, 2001 -	Mr. Hsu submitted \$240 payment on ACL No. 2000-23.
August 15, 2001 -	Status report received and proposal for installation of ground water monitoring wells.
August 29, 2001 -	RWQCB letter to Mr. Hsu & Mrs. Hsu requesting a meeting to discuss proposed ground water monitoring well locations.
Sept. 19, 2001 -	4th meeting with Mr. Hsu and consultant. A Mandarin Chinese translator was hired to facilitate Mr. Hsu's understanding of meeting. We reviewed compliance deadlines in CAO No. 2000-255, payments on ACL Order No. 2000-23, submittal of a written summary explaining the significance of Mr. Hsu's financial documents, timeline for activities in CAP, number and location of proposed ground water monitoring wells, and the status of the USTCF.
Sept. 26, 2001 -	Project timeline received for remedial activities.
Sept. 26, 2001 -	RWQCB letter to Mr. & Mrs. Hsu with Board agenda notice and staff report.
Oct. 1, 2001 -	Mr. Hsu submitted \$150 payment on ACL No. 2000-23.
Oct. 10, 2001 -	Board meeting. Staff presentation was that Mr. Hsu was in compliance with CAO No. 2000-255, had submitted free product recovery reports, had made payments on ACL No. 2000-23 totaling \$890 for payments up to and including August 2001. Staff recommended a continuation of this item to the April 2002 Board meeting to better access Mr. Hsu's compliance with CAO No. 2000-255 and his intention to continue make payments on ACL No. 2000-23. After discussion the Board members agree with this

approach. The Board members also requested an “Ability to Pay Analysis” to be performed by the Office of Statewide Initiatives. This would analyze Mr. & Mrs. Hsu’s ability to pay the civil liability imposed by ACL Order No. 2000-23.

Oct. 19, 2001 - RWQCB letter to Office of Statewide Initiatives requesting an “Ability to Pay Analysis”.

Oct. 30, 2001 - Submittal of Free Product Removal Report and 3rd quarter Ground Water Monitoring Report.

Nov. 5, 2001 - Office of Statewide Initiatives response to RWQCB request for an “Ability to Pay Analysis” requesting certain documents from Mr. & Mrs. Hsu.

Nov. 6, 2001 - RWQCB letter to Pete Gorman of Escondido Lumber requesting written notification by November 21, 2001 that an access agreement has been reached with Mr. & Mrs. Hsu to allow access to Escondido Lumber for installation of ground water monitoring wells.

Nov. 7, 2001 - Addendum No. 3 to CAO No. 2000-255 with a request for a technical report from the remedial action pilot test. The due date is January 15, 2002.

Nov. 8, 2001 - 5th meeting with Mr. Hsu and consultant. A Mandarin Chinese translator was hired to facilitate Mr. Hsu’s understanding of meeting. We reviewed the proposed remedial action: the pilot test, soil testing and possible removal, postponing enhanced free product recovery system, and obtaining 3 bids for the CAP. We also reviewed Addendum No. 3 to the CAO, the letter to Escondido Lumber, the Ability to Pay Analysis and documents I needed from Mr. Hsu to send to Sacramento, and continued compliance with deadlines in CAO No. 2000-255 and making payments on ACL Order No. 2000-23.

Nov. 13, 2001 - Fax from Mr. Hsu’s consultant with details on the scope of work for the pilot testing.

Nov. 29, 2001 - Letter from USTCF: denial of request for pre-approval of corrective action costs, claim # 16564.

Nov. 30, 2001 - Directive to Show Cause letter sent to Pete Gorman, Escondido Lumber for access to the property to install ground water monitoring wells. Deadline for response: December 14, 2001.

Dec. 12, 2001 - RWQCB letter acknowledging submittal of 1996 & 1997 personal and business tax returns for “Ability to Pay Analysis”.

Dec. 21, 2001 - Pete Gorman of Escondido Lumber sent access agreement.

Jan. 7, 2002 - RWQCB 13267 letter requesting technical report of installation of additional ground water monitoring wells and monitoring data. Also requests vertical delineation of MTBE. Due date: April 30, 2002.

Jan. 14, 2002 - Air Sparge/Soil Vapor Extraction Pilot Test Results report submitted in compliance with Addendum No. 3 to CAO No. 2000-255.

Jan. 15, 2002 -	Letter from consultant that discusses reasons why vertical delineation of MTBE is not necessary at this site.
Jan. 29, 2002 -	Free Product Monitoring report submitted.
Jan. 30, 2002 -	Quarterly Ground Water Monitoring report submitted.
Feb. 11, 2002 -	Letter from consultant: Escondido Lumber is cooperating with installing ground water monitoring wells on their property; well location diagram included; electronic submittal of laboratory data will be done approximately March 1, 2002. Consultant was not aware of laboratory procedures to request electronic submittal.
Feb. 15, 2002 -	USTCF sent letter to Jimmy Hsu informing him that a reimbursement of \$60,041 was approved and would be sent to him.
Feb. 21, 2002 -	RWQCB Order R9-2002-0075 directive to submit an alternative remedial action plan, pursuant to CWC section 13267, no later than May 1, 2002. This is due to pilot test results that demonstrated air sparge/soil vapor extraction was not effective as a remediation method for Budget Trade & Gas.
Feb. 22, 2002 -	Financial paperwork submitted to Office of Statewide Initiatives for "Ability to Pay" analysis.
Feb. 25, 2002 -	Notice of Violation No. R9-2002-0082 for failure to submit laboratory data in electronic deliverable format (EDF) to the Geotracker data system.
March 1, 2002 -	6th meeting with Mr. Hsu and consultant. A Mandarin Chinese translator was hired to facilitate Mr. Hsu's understanding of meeting. We discussed the Nov. 29, 2001 USTCF denial of preapproval of corrective action cost, access to Escondido Lumber for installing wells, RWQCB 13267 directives for installation of ground-water monitoring wells and submittal of alternative remedial action, Ability to Pay analysis letters to Sacramento, Notice of Violation for failure to submit laboratory data via EDF, chronology, compliance dates, and monthly payments of ACL No. 2000-23 (no payments since September 2001).
March 6, 2002 -	Additional financial paperwork sent to Office of Statewide Initiatives for "Ability to Pay" analysis.
March 13, 2002 -	Executive Officer's Report on status of compliance.
April 10, 2002 -	Executive Officer's Report on status of compliance, and a continuation of the hearing to the May 8, 2002 Board meeting to allow the Office of Statewide Initiatives to complete the "Ability to Pay" analysis.